



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 18 2013

CERTIFIED MAIL 7012 1010 0001 8097 0917
RETURN RECEIPT REQUESTED

City of Raleigh
c/o Mr. John Carman
Director, Public Utilities Department
One Exchange Plaza, Suite 620
Raleigh, North Carolina 27602

Re: Notice of Violation
City of Raleigh
National Pollutant Discharge Elimination System Permit No. NC0029033

Dear Mr. Carman:

The United States Environmental Protection Agency, Region 4 has reviewed information the City of Raleigh (City) submitted on February 15, 2012, in response to the EPA's Compliance Inspection Report. The EPA has also reviewed information the City submitted on January 4, 2013, in response to the EPA's request for additional information regarding the February 15, 2012, submittal. Additionally, the EPA has reviewed information the North Carolina Department of Environment and Natural Resources submitted on November 28, 2012, in response to the EPA's request for current Sanitary Sewer Overflow (SSO) data.

Based upon review of the information, the EPA has determined that the City has violated the Clean Water Act as follows:

During the period from January 5, 2008, to October 27, 2012, the City had 298 SSOs, which were discharges of untreated sewage to navigable waters of the United States as defined by Section 502 of the CWA, 33 U.S.C. § 1362 and 26 SSOs that violated Part II, Section C.2 of the City's National Pollutant Discharge Elimination System (NPDES) Permit No. NC0029033. Such SSOs were not authorized by the NPDES permit. Therefore, these discharges violated Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Although the EPA has decided not to initiate an enforcement action at this time, the City's progress in developing and implementing written Management, Operations and Maintenance (MOM) programs and continuing to implement the rehabilitation of the Wastewater Collection and Transmission System (WCTS), the EPA will determine if future enforcement actions are warranted. The EPA will monitor the City's progress in developing and implementing MOM programs and WCTS rehabilitation over the next two (2) years.

Until consistent compliance is achieved, the City is considered to be in violation of the CWA and subject to enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. This Section

provides for the issuance of administrative penalty and compliance orders and/or the initiation of federal judicial actions.

If you have any questions regarding this Notice of Violation, please contact Ms. Sara Schiff at (404) 562-9870 or via email at Schiff.Sara@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Giattina', with a stylized flourish at the end.

James D. Giattina
Director
Water Protection Division

cc: Mr. Jeff Poupart
North Carolina Department of Environmental and Natural Resources

Mr. Danny Smith
Raleigh Regional Office
North Carolina Department of Environmental and Natural Resources